

**STATE OF RHODE ISLAND  
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

**TO:** Interested Parties

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Director  
Department of Children, Youth and Families

**DATE:** December 9, 2011

**SUBJECT:** Final DCYF Rules

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In accordance with the Administrative Procedures Act, the Department has adopted, amended and repealed the following rules. These final rules comply with good child welfare, mental health and juvenile justice practice. The rules are accessible on the DCYF website (<http://www.dcyf.ri.gov>) and through the RI Secretary of State's Rules and Regulations Database Search (<http://sos.ri.gov/rules/>).

**Adoptions**

**Additional Information and Duplicate Reports** - This adopted rule provides direction to staff in Child Protective Services in completing Additional Information and Duplicate Reports.

**Documenting the Results of Child Protective Services Investigations in RICHIST** - This adopted rule provides direction to staff in documentation of the information required in the course of an investigation in the Department's management information system.

**Electronic Monitoring** - This adopted rule provides direction to staff on utilizing electronic monitoring of youth.

**Investigative Reports and Record Keeping** - This rule outlines the use of the RI Children's Information System in completing investigative reports electronically as well as in hard copy and reflects changes in practice due to the Family Care Community Partnerships.

**Amendments**

**Contents and Format for Department Record Keeping** - This amended rule outlines processes for documenting case information in the Department's hard copy and electronic management information system to ensure continuity of care. The final rule clarifies and specifies procedures for managing certain records: *"If a case is reactivated at a later date, a Master File employee places the contents in a binder, takes the tab from the*

*'Special Forms/Documents,' places it in the folder and forwards the record to the primary worker."*

**Criteria for a Child Protective Services Investigation** - This amended rule updates processes for recording information in the Department's electronic information management system and eliminates repetitiveness in language.

**Drug Usage During Pregnancy** - This amended rule updates processes for utilizing Straight and Ex Parte Petitions in accordance with changes made in the RI State Budget.

**Early Periodic Screening, Diagnosis and Treatment Program (EPSDT)** - This amended rule updates the practices related to obtaining reimbursement for EPSDT and removes duplicate language. The final rule revises language in the policy statement to mirror language provided by the Department of Human Services: *"EPSDT provides for early prevention care, periodic health evaluation, screening for health defects, diagnosis of health problems, treatment and continuing care. Because EPSDT services include preventive services, they are available at a child's regular visit with his/her doctor. In some cases, where special health care needs are identified, additional services may be available. The Department of Human Services (DHS) provides EPSDT Periodicity Schedules, which provide a schedule for general health, preventative and oral health screening and treatment for children enrolled in the RIte Care plan, as well as Medicaid Fee for Service. These schedules are reviewed and revised periodically and the most current schedule is available on the DHS website."*

**Examination of Child by Physician or Nurse Practitioner or Child Protective Investigator** - This amended rule clarifies the role of the Child Protective Investigator in conducting a physical observation of a child and updates some language.

**Flow of Active Case During CPS Investigation of Child Abuse/Neglect** - This amended rule clarifies role of department staff during a child protective investigation, updates the process for notifying the Office of the Child Advocate and eliminates duplicative language.

**Interstate Compact on the Placement of Children (ICPC)** - This amended rule outlines updates processes for utilizing the ICPC to reflect changes in federal law and eliminates duplicate language.

**Processing and Notifications of Alleged Institutional Abuse/Neglect** - This amended rule, formerly entitled Processing and Notifications for an Alleged Institutional Abuse Case, updates the practice to reflect the use of the Information/Referral Report, clarifies processing of notifications and removes duplicative language.

**Letters of Notification** - This amended rule updates and clarifies notifications of Child Protective Services investigation(s).

**Medical Assistance (MA) Funded Mental Health Services: Client Eligibility and Provider Guidelines** - This amended rule updates procedures for Medical Assistance for Department clients and removes outdated provider and reimbursement rate lists.

**Mental Health Evaluation and Counseling Services** - This amended rule updates procedures for securing and supporting mental health and counseling services and removes outdated provider lists, fee schedules and duplicate language.

**Mission, Philosophy, Goals and Purpose** - This amended rule updates the mission statement of the RI Training School to reflect the move of the female unit into the Youth Development Center.

**Obtaining Custody of Child Through the Dependent/ Neglected/Abused Petition** - This amended rule updates the practice to reflect the use Straight and Ex Parte Petitions and removes duplicate language.

**Police Involvement in Child Protective Investigation** - This amended rule clarifies role of the Chief Investigator in decisions regarding notification of police and removes duplicative language.

**Post Assignments** - This amended rule updates the description of Post Assignments at the RI Training School as a result of the move of the female unit into the Youth Development Center.

**Removal of Child From Home** - This amended rule updates practice to reflect statutory changes in the use of the Straight and Ex Parte Petitions in Family Court and to remove duplicate language.

**Reporting Child Abuse and/or Neglect** - This amended rule provides direction to staff on how written reports of child abuse and/or neglect are managed. As a result of comments received, the proposed rule was amended to include the following language: *The Child Abuse Prevention and Treatment Act (PL 98 457) and RIGL 40-11-3 require the Department to receive and respond to reports of medical neglect, including reports of the medical neglect of or withholding medically indicated treatment from a disabled infant with life threatening conditions. Medically indicated treatment is defined as treatment, including appropriate nutrition, hydration and medication, which, in the treating physician/nurse practitioner's reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the infant's life threatening conditions. Any person who has knowledge or suspicion of such medical neglect or withholding of medical treatment from a disabled infant (aged one year or less) must report it to the Child Protective Services Hotline immediately. While federal law provides specific protections for medically fragile infants, RI General Law requires that medical neglect or the withholding of medically indicated treatment from any child be reported to the Child Protective Services Hotline immediately.*

**Response Priorities - Emergency, Immediate and Routine** - This amended rule eliminates duplicative language and creates a single, integrated procedural statement to provide clearer direction to Department staff.

**Safe Haven for Infants Act** - This amended rule clarifies the assignment of Department staff in the electronic management information system.

**Standards of Proof** - This amended rule clarifies the legal standard of proof applicable to various court and administrative hearings and removes duplicate language.

**Training and Professional Development** - This amended rule clarifies the access of Department staff to core training. As a result of comments received, the following language was restored in the final rule: *For employees new to state service or new to the specific job function, mandatory training usually includes all of Core I.*

### **Repeals**

**Canceling/Rescheduling Appointments with Service Providers** - This rule is repealed because it is obsolete and relevant portions are addressed in other rules.

**Case Documentation** - This rule is repealed because it is obsolete and relevant portions are addressed in other rules.

**Co-Sponsorship of Conferences** - This rule is repealed because it is obsolete and relevant portions are addressed in other rules.

**Ex Parte Arraignment Information** - This rule is repealed because it is addressed in other rules.

**Medical Neglect of Disabled Infants with Life Threatening Conditions** - This rule is repealed because it is obsolete and relevant portions are addressed in other rules regarding child abuse and neglect, including the DCYF rule, Reporting Child Abuse and/or Neglect.